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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

DOUGLAS ASHBY, *et al.*, **Plaintiffs**, and

Case No. 01-1446-BR

UNITED STATES OF AMERICA, **Intervenor-
Plaintiff**,

**UNITED STATES' NOTICE OF
SUPPLEMENTAL AUTHORITY IN
SUPPORT OF
CONSTITUTIONALITY OF
FCRA'S STATUTORY DAMAGES
PROVISION**

v.

FARMERS INSURANCE CO. OF OREGON,
INC., *et al.*, **Defendants**.

The United States respectfully advises the Court that, earlier this week, a district judge in the Southern District of Florida issued a brief order upholding the constitutionality of statutory damages under the Fair Credit Reporting Act, 15 U.S.C. § 1681n(a)(1)(A), and rejecting *Grimes*

v. Rave Motion Pictures of Birmingham, LLC, 552 F. Supp. 2d 1302 (N.D. Ala. 2008), *appeals docketed*, Nos. 08-13510-BB, 08-136616-BB (11th Cir. June 20, 2008).

The just-issued order is *Smith v. MSV Sales & Services, LLC*, No. 08-61436-CIV, 2008 WL 4921356, 2008 U.S. Dist. LEXIS 93996 (S.D. Fla. Nov. 17, 2008). It follows an order issued by a different district judge last month, *Smith v. Casino Ice Cream, LLC*, No. 08-61285-CIV, 2008 WL 4541013, 2008 U.S. Dist. LEXIS 81550 (S.D. Fla. Oct. 9, 2008), which the Court mentioned during the October 24, 2008, oral argument in this matter.

Dated: November 21, 2008
Washington, DC

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA
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CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2008, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record, including the following:

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